



Crl.O.P.(MD)No.2817 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2024

CORAM

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

Crl.O.P.(MD)No.2817 of 2024

and

Crl.M.P.(MD)No.2194 of 2024

Vimal Ponsingh

... Petitioner/Accused No.2

Vs.

1.The State,  
Rep. by the Inspector of Police,  
Central Crime Branch,  
Tirunelveli City, Tirunelveli.

2.A.Samikannu

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with the FIR in Crime No.20 of 2023 on the file of the first respondent police and quash the same insofar as the petitioner is concerned.

|                |                                 |
|----------------|---------------------------------|
| For Petitioner | : Mr.G.Thalaimutharasu          |
| For R-1        | : Mr.M.Sakthikumar              |
|                | Government Advocate (Crl. Side) |

**ORDER**

The accused No.2 in Crime No.20 of 2023 has filed this application to quash the FIR pending against him.



Crl.O.P.(MD)No.2817 of 2024

2.The case of the prosecution is that the second respondent is working as a Branch Manager in DBFS Finance and Leasing Limited situated at Palayamkottai, Tirunelveli. The petitioner, who is working as a Branch Manager of Kosamattam Finance Service Limited situated at Seythunganallur, contacted the second respondent over phone and recommended jewel loan to the tune of Rs.10,50,000/- for the first accused namely Kasirajan. Believing the same, the second respondent has made arrangements and sent the pledge amount of Rs.10,50,000/- on 19.05.2023 to the first accused, for which, the first accused also issued a bank cheque and on the very same day, A1 and A3 entrusted the jewels with the second respondent and upon inspection, it is found that all the jewels are fake one. While on enquiry, A1 admitted that only with the help of the petitioner, he has pledged the jewels with the second respondent. Further, A1 gave a statement that he will redeem the jewels on 20.05.2023, but he failed to do so. Hence, the case.

3.The learned Senior counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the defacto complainant; He has not given any assurance to the defacto complainant and it is the duty of the defacto complainant to verify the particulars of the person who needs to pledge the jewels and to inspect the jewel



properly with the help of jewel appraiser before depositing the amount.

The defacto complainant failed to do so and in order to mask his negligence, he has falsely roped in the petitioner. He further submits that the first respondent police even without issuing summons to the petitioner under Section 41(A) of Cr.P.C., and without affording any opportunity and without conducting any preliminary enquiry, simply registered the FIR and arrayed the petitioner as A2. Therefore, he prays to quash the FIR.

4.The grounds raised by this petitioner can very well be considered by the investigating officer during the course of investigation. The FIR is nothing but registering the complaint in the register of the Police. The purpose of investigation is to find out truth whether the complaint is genuine or not. The investigating officer is expected to conduct the investigation in a fair manner by considering the evidence produced by the defacto complainant and the accused. The grounds raised by this petitioner herein can very well be appreciated by the investigating officer during the course of investigation.

5.The motto of the government in its emblem is Truth Alone Triumphs and therefore, it is the responsibility of every government



CrI.O.P.(MD)No.2817 of 2024

servant including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.

6. Therefore, this petition is dismissed with liberty to the investigating officer to conduct the investigation by considering the points raised in this application, during the course of investigation and shall conclude the investigation within a period of two months either by filing final report or with a closure report. Consequently, connected miscellaneous petition is closed.

**03.04.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
sjj

To

1. The Inspector of Police,  
Central Crime Branch,  
Tirunelveli City, Tirunelveli.
2. The Inspector of Police,  
Allinagaram Police Station,  
Theni District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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CrI.O.P.(MD)No.2817 of 2024



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CrI.O.P.(MD)No.2817 of 2024

**B.PUGALENDHI, J.**

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CrI.O.P.(MD)No.2817 of 2024

03.04.2024